



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 29 2000

REPLY TO THE ATTENTION OF:
Lindsay Light II Site/RV3 North Columbus Drive

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

EPA Region 5 Records Ctr.



226004

Re: Lindsay Light II Site/RV3 North Columbus Drive
Chicago, Illinois

Dear Sirs:

Enclosed please find a First Amendment to the Unilateral Administrative Order issued by the United States Environmental Protection Agency (U.S. EPA) on June 6, 1996, under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. Section 9601, et seq.

If you have any questions regarding the Amendment, feel free to contact Mary Fulghum, Assistant Regional Counsel at (312) 886-4683, Verneta Simon, On-Scene Coordinator at (312) 886-3601, or Fred Micke, On-Scene Coordinator at (312) 886-5123.

Sincerely yours,

William E. Muno, Director
Superfund Division

Enclosure

cc: Thomas Skinner

Illinois Environmental Protection Agency, Division of Land Pollution Control
1021 North Grand Avenue East, Springfield, IL 62702

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 5

IN THE MATTER OF:)	Docket No. V-W-96-C-353
)	
Lindsay Light II Site/)	ADMINISTRATIVE ORDER
(RV3 North Columbus Drive))	PURSUANT TO SECTION 106(a)
)	OF THE COMPREHENSIVE
)	ENVIRONMENTAL RESPONSE,
Respondents:)	COMPENSATION, AND
)	LIABILITY ACT OF 1980,
River East Chicago L.L.C.)	AS AMENDED, 42 U.S.C.
Kerr-McGee Chemical L.L.C.)	§9606(a)
Grand Pier Center L.L.C.)	

FIRST AMENDMENT TO ADMINISTRATIVE ORDER
PURSUANT TO SECTION 106(a)
OF THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT OF 1980,
as amended, 42 U.S.C. §9606(a)

The Administrative Order ("Order"), U.S. Environmental Protection Agency ("U.S. EPA") Docket No. V-W-96-C-353, issued on June 6, 1996, under Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §9606(a), is hereby modified as follows:

JURISDICTION AND GENERAL PROVISIONS Section, Page 1, 2nd
Paragraph, Sentence 1 of the Order shall be amended to read:

This Order pertains to property located at 316 East Illinois Street, Chicago, Illinois, and also to property directly across Columbus Drive known as RV3 North Columbus Drive, bearing the Cook County Assessor's Parcel Number 17 10 212 019 (bound by North Columbus Drive, East Grand Avenue, North St. Clair Street, and East Illinois Street), Chicago, Illinois (the "Lindsay Light II Site" or the "Site").

FINDINGS OF FACT Section, Page 2, Paragraph 1., Sentence 1 of the Order shall be amended to read:

The Lindsay Light II Site ("the Site" or "the Facility") is located at 316 East Illinois Street, and also at Parcel Number 17 10 212 019 (bound by North Columbus Drive, East Grand Avenue, North St. Clair Street, and East Illinois Street), Chicago, Cook County, Illinois.

FINDINGS OF FACT Section, Page 2, Paragraph 2. of the Order shall be amended to read:

In 1996, the 316 E. Illinois parcel was a parking lot operated by General Parking and owned by River East Chicago L.L.C. ("River East") (successor to Chicago Dock and Canal Trust). Grand Pier L.L.C ("Grand Pier") is the owner of the RV3 North Columbus Drive portion of the Site.

FINDINGS OF FACT Section, Page 3, Paragraph 10. of the Order shall be added to read:

From June 1996 until March 2000, Respondents River East and Kerr-McGee Chemical L.L.C. ("Kerr-McGee") implemented a site Health and Safety Plan; implemented site security measures, implemented an air monitoring program; performed removal of contamination until the cleanup criterion of 5 picoCuries per gram total radium (Radium-226 + Radium-228) over background was achieved; established local background for Radium-226 and Radium-228 from four soil samples taken on the property at points where the gamma exposure rates are lowest plus eight soil samples taken off-site; transported and disposed of characterized or identified hazardous substances, pollutants, wastes, or contaminants at a RCRA/CERCLA/IDNS-approved disposal facility in accordance with the U.S. EPA Off-Site Rule; conducted off-site surveying and sampling as necessary and backfilled all excavations with suitable material, and if soil, tested borrow source for radioactivity and other pertinent characteristics in 40 CFR Part 261.

FINDINGS OF FACT Section, Paragraph 11. of the Order shall be added to read:

A Right-of-Way Agreement was entered among Kerr-McGee, River East and the City of Chicago which restricts access to subsurface soils below the streets and sidewalks surrounding the 316 East Illinois Street property. The Agreement requires, among other tasks, that anyone seeking a permit to conduct work in the subsurface soils must conduct radiation surveillance and that the City must give U.S. EPA notice that a permit application has been made. The agreement also requires that the City provide notice to all utilities of the Right-of-Way Agreement.

FINDINGS OF FACT Section, Paragraph 12. of the Order shall be added to read:

On at least two occasions since the approval of the Right-Of-Way Agreement, however, the parties apparently failed to comply with express provisions that require radiation surveillance and notice to U.S. EPA that a permit was applied for. In January or February 2000, the City of Chicago removed two hydrants from the Illinois Street right-of-way without notifying U.S. EPA. On or about January 24, 2000, River East obtained a permit and began to install a block-long sewer along Illinois Street from Columbus Drive to McClurg Court. Neither the City nor River East notified U.S. EPA of any excavation in the Illinois Street Right-of-Way. River East did not begin to conduct radiation surveillance until approximately ten days after it began the Illinois Street work. When radiation surveillance was instituted at the Illinois Street sewer project, four areas of elevated levels of radiation were discovered. U.S. EPA also surveyed off-site landfills that received material from the sewer excavation. One landfill potentially received radioactive material.

FINDINGS OF FACT Section, Paragraph 13. of the Order shall be added to read:

On February 29, 2000, U.S. EPA discovered elevated levels of radioactive materials at the Grand Pier development, which is located on the RV3 North Columbus Drive parcel directly across Columbus Drive from the 316 East Illinois Street property. Since the discovery of the RV3 North Columbus Drive contamination, U.S. EPA has worked with Grand Pier, Kerr-McGee and River East to implement the requirements of the existing Lindsay Light II Unilateral Administrative Order at the Grand Pier property and at the six off-site landfills that accepted potentially radioactive materials from the Grand Pier property.

CONCLUSIONS OF LAW AND DETERMINATIONS Section, Page 3, Paragraph 4., Sentences 1 and 2 of the Order shall be amended to read:

Respondents River East and Grand Pier are the present owners of the Lindsay Light II Site, as defined by Section 101(20) of CERCLA, 42 U.S.C. § 9601(20). Respondent Kerr-McGee is a person who is the corporate successor of the Lindsay Light Company.

CONCLUSIONS OF LAW AND DETERMINATIONS Section, Page 4, Paragraph 6.a., line 4 of the Order shall be amended to include:

This factor is also present at the Site due to the presence of elevated gamma ray readings that were documented on February 29, 2000, to be as high as 1,000,000 counts per minute ("cpm"). In an uncontaminated area of the Site, the count rate was about 7,000 cpm. The clean-up criterion for the Lindsay Light II Site is 7.1 picoCuries per gram (pCi/g) which equates to 19,726 cpm. The highest gamma exposure rate reading measured at the Lindsay Light II Site/RV3 North Columbus Drive was approximately 1,300 microRoentgen per hour (μ R/hr). The background level for this Site was approximately 8 μ R/hr.

CONCLUSIONS OF LAW AND DETERMINATIONS Section, Page 5, Paragraph 6.b., of the Order shall have added:

On or about March 1, 2000, Grand Pier collected soil samples from its property. The highest sample result as of March 23, 2000 was 1,732 picoCuries per gram ("pCi/g") for total radium (Ra-226 + Ra-228). The clean-up level applied to the Site property directly across Columbus Drive at 316 East Illinois Street was 7.1 pCi/g total radium, including total radium background of 2.1 pCi/g. The sample analyses showed that the radioactive component was thorium. Thorium is a chain of 11 radionuclides beginning with thorium-232 and ending with non-radioactive lead 208. This chain emits gamma rays, X-rays, alpha particles and beta particles. Gamma rays and X-rays are penetrating photons that are an external exposure hazard. Photons can penetrate the skin and expose interior organs. Alpha particles are helium nuclei that are an ingestion and inhalation hazard. Beta particles are electrons that are principally an ingestion and inhalation hazard, but in high concentrations, might be a skin hazard.

CONCLUSIONS OF LAW AND DETERMINATIONS Section, Page 5, Paragraph 6.c., of the Order shall have added:

Given that U.S. EPA and Respondents detected contamination at the 316 E. Illinois and RV North Columbus Drive portions of the Lindsay Light II Site and in the adjacent streets, there is reason to suspect additional contamination may exist on other properties surrounding the Site. U.S. EPA will determine the boundaries of the contamination, and will require Respondents to implement additional controls, if U.S. EPA determines additional institutional controls are necessary.

ORDER Section, Page 7, 1st Paragraph, Sentences 1 and 2 of the Order shall be amended to read:

The U.S. EPA has designated Verneta Simon and/or Fred Micke of the Emergency Response Branch, Region 5, as its On-Scene Coordinators ("OSCs"). Respondents shall direct all submissions required by this Order to the OSCs at U.S. EPA, 77 West Jackson Boulevard, SE-5J, Chicago, Illinois, 60604-3590, by certified or express mail. Respondents shall also send a copy of all submissions to Mary Fulghum, Assistant Regional Counsel, 77 West Jackson Boulevard, C-14J, Chicago, Illinois, 60604-3590.

ACCESS TO ADMINISTRATIVE RECORD Section, Page 14, 1st Paragraph, 2nd Sentence of the Order shall be amended to read:

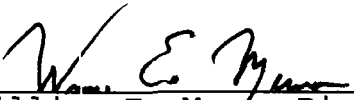
Respondents may contact Mary Fulghum, Assistant Regional Counsel, at (312) 886-4683 to arrange review of the Administrative Record.


OPPORTUNITY TO CONFER Section, Page 15, 2nd Paragraph, 4th Sentence of the Order shall be amended to read:

Requests for a conference shall be directed to Mary Fulghum, Assistant Regional Counsel, at (312) 886-4683.

This First Amendment to the Lindsay Light II Site Administrative Order is hereby incorporated into the Order as if it were originally part of the Order; all terms, conditions, and stipulations of the Order shall apply to this First Amendment.

By:


 William E. Munro, Director
 Superfund Division
 U.S. Environmental Protection Agency
 Region 5

 29, 2000.

LINDSAY LIGHT II SITE/RV3 NORTH COLUMBUS DRIVE

List of Respondents Receiving

First Amendment to UAO Docket No. V-W-96-C-353

River East Chicago L.L.C.
c/o Peter Gillespie, Esq.
Baker & McKenzie
One Prudential Plaza
130 East Randolph Drive
Chicago, IL 60601

Kerr-McGee Chemical L.L.C.
c/o James T. Smith, Esq.
Covington & Burling
1201 Pennsylvania Avenue
P.O. Box 7566
Washington, D.C. 20044-7566

Grand Pier Center L.L.C.
c/o Michael P. Rissman, Esq.
Mayer, Brown & Platt
190 South LaSalle Street
Chicago, Illinois 60603-3441